

CASE # 18U2710
(EK) (LB)

MR. DAVID SMART
2355 BACHELDER ST
BROOKLYN, NY 11229
NOV. 27, 2020

To:

U STATES DISTRICT
EASTERN DISTRICT OF
New York, BROOKLYN
New York
225 CADMAN PLAZA EAST Rm 1185
BROOKLYN, NY 11201

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 27 2020 ★
BROOKLYN OFFICE

ATTN: THE PRO SE OFFICE

DEAR

Sir:

MR. DAVID SMART
SENDING YOU ALL INFORMATION
Sincerely Yours

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIO H. CAPOGROSSO
Plaintiff,

APPLICATION FOR THE COURT TO
REQUEST COUNSEL

-against-

____ CV ____ ()

MR. DAVID SMART
Defendant(s).

1. Name of applicant MR. DAVID SMART

2. Explain why you feel you need a lawyer in this case. (Use additional paper if necessary.)

I DO NEED A PRO-RO
LAWYER TO HELP IN THIS
CASE TO HAVE THIS CASE DONE

3. Explain what steps you have taken to find an attorney and with what results. (Use additional paper if necessary.)

TO HAVE PRESENTATION FOR
MY CASE - I DO NOT HAVE
MONEY TO FIGHT THE CASE

4. If you need a lawyer who speaks in a language other than English, state what language you speak:

WONT

5. I understand that if a lawyer volunteers to represent me and my lawyer learns that I can afford to pay for a lawyer, the lawyer may give this information to the Court. I understand that if the Court grants this application in a complaint against the Commissioner of Social Security, the pro bono attorney, if successful, has the statutory right to request that the Court award a fee of up to 25% of the accrued Social Security or Supplemental Security Income Benefits. See 42 U.S.C. § 406.

6. I understand that if my answers on my Request to Proceed *In Forma Pauperis* are false, my case may be dismissed.

7. I declare under penalty of perjury that the foregoing is true and correct.

Dated: 4/22/19

Signature [Signature]

4. Do you have any money, including money in a checking or savings account? If so, how much?

5. Do you own any apartment, house or building, stocks, bonds, notes, automobiles or other valuable property? If the answer is yes, describe the property and state its approximate value.

☐ No ☐ Yes, \$ _____

6. Do you pay for rent or for a mortgage? If so, how much each month?

☐ No ☐ Yes, \$ _____

7. List the person(s) that you pay money to support and the amount you pay each month.

8. State any special circumstances which the Court should consider.

I understand that the Court may dismiss this case if I give a false answer to any question in this declaration.

I understand that if the Court grants this application in a complaint against the Commissioner of Social Security, the pro bono attorney, if successful, has the statutory right to request that the Court award a fee of up to 25% of the accrued Social Security or Supplemental Security Income Benefits. See 42 U.S.C. § 406.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

Signature

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

Plaintiff,

-against-

AFFIRMATION OF SERVICE

____ CV ____ ()

Defendant(s).

----- X

I, _____ (print or type your name), declare under penalty of
perjury that I have served a copy of the attached Application for the Court to Request Counsel upon the
defendant(s) or the attorney for defendant(s) _____

whose address is: _____

by _____
(describe how you served document: For example - personal delivery, mail, overnight express, etc.)

Dated: _____

Signature

Address

City, State & Zip Code

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIO H. CAPOGROSSO,

Plaintiff

-against-

**DEMAND FOR
DEPOSITION DATES**

ALAN GELBSTEIN, in his official and individual capacity;
BOSHRA VAHDATLAMAS, (also known as BUSHRA VAHDAT) in her official and individual capacity;
IDA TRASCHEN, in her official and individual capacity;
ELIZABETH PRICKETT-MORGAN, in her official and individual capacity;
JEAN FLANAGAN, in her official and individual capacity;
VINCENT PALMIERI, in his official and individual capacity;
DANIELLE CALVO, in her official and individual capacity;
SADIQ TAHIR, in his individual capacity;
PEC GROUP OF NY, INC.;
DAVID SMART, in his individual capacity;
JOHN AND JANE DOE.

Defendants

David Smart:

Pursuant to Rules 27 – 32 of the Federal Rules of Civil Procedure the Plaintiff, Mario H. Capogrosso, demands that defendant David Smart either agree to be deposed, in concurrence with similar depositions of party defendants pursuant to the Court Order attached herein, **on the date of April 29, 2020 at 2:00 pm to be held at Room 402 South in the Brooklyn Courthouse, 225 Cadman Plaza East, Brooklyn New York 11201** or provide a date, and three alternative dates, upon which your deposition upon oral examination may be taken. Plaintiff demands a written

response within seven days (7) of the service of this discovery request to be provided at Plaintiff's current address listed below.

Dated: March 3, 2020
New Rochelle, NY

Submitted,

A handwritten signature in black ink, appearing to read "M. H. Capogrosso", written over a horizontal line.

Mario H. Capogrosso
21 Sheldrake Place
New Rochelle, NY 10804
(914) 806-3692

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MARIO H. CAPOGROSSO,

Plaintiff,

-against-

ALAN GELBSTEIN, *in his individual capacity*, IDA
TRASCHEN, *in her individual capacity*, DANIELLE
CALVO, *in her individual capacity*, SADIQ TAHIR,
in his individual capacity, PEC GROUP
OF NY, INC., DAVID SMART, and DMV
COMMISSIONER MARK SCHROEDER,
in his official capacity,

Defendants.
-----X

BLOOM, United States Magistrate Judge:

The parties confirm that they plan to conduct depositions on April 28 and April 29, 2020. ECF No. 113. The Court has reserved Room 402 South in the Brooklyn Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201 on April 28 and 29, 2020 from 9:00 a.m. to 5:00 p.m. The parties are reminded that they are responsible for arranging for their own court reporters. As previously set, the parties shall complete all discovery by May 15, 2020 and shall file any pre-motion conference request in accordance with Judge Komitee's Individual Rules by June 5, 2020. Electronic Order dated Nov. 14, 2019.

SO ORDERED.

/S/
LOIS BLOOM
United States Magistrate Judge

Dated: February 26, 2020
Brooklyn, New York

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____ X

MARIO H. CAPOGROSSO

Plaintiff

-against-

18 CV 2710

ALAN GELBSTEIN, et. al

AFFIRMATION OF SERVICE

Defendants.

_____ X

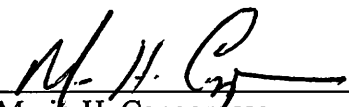
I, Mario H. Capogrosso, declare under penalty of perjury that I have served a copy of the attached Plaintiff's Demand for Deposition Dates

upon:

David Smart
2875 West 8th Street
Brooklyn, NY 11224

via U.S. Postal Service First Class Mail, this 3rd day of March, 2020.

New Rochelle, NY
March 3, 2020



Mario H. Capogrosso
21 Sheldrake Place
New Rochelle, NY 10804
(914) 806-3692

MR. DAVID SMART

COURT CASE

18CV2710

(EK) (LB)

Court

NEW YORK

Hout

PLAZA EAST Rm 1185

201

PRO SE OFFICE

11-27-2020

David Smart
2355 Batchelder St., Apt. 3E
Brooklyn, NY 11229-5351

2020 NOV 27 PM 1:37

CLERK
U.S. DISTRICT COURT
E.D.N.Y.

USMS

To:-
U STATES DISTRICT
EASTERN DISTRICT OF
BROOKLYN, ~~NY~~ 8
225 CADMAN
BROOKLYN, NY 1
ATTN: THE